

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

-vs-

DECISION and ORDER

12-mj-00546

JAFET RIVERA,

Defendant.

Siragusa, J. This case was referred by order to the undersigned, docketed on August 20, 2012, ECF No. 20, by Magistrate Judge Jonathan W. Feldman, pursuant to 28 U.S.C. § 636(b)(1)(A)-(B). Previously, on August 15, 2012, Magistrate Judge Feldman filed a Report and Recommendation (“R&R”) ECF No. 19, recommending that the Court determine that the Defendant is not competent to stand trial. The time has passed for Defendant to file any objections to the R&R, and none have been filed.

Accordingly, for the reasons set forth in the Magistrate Judge’s R&R, the Court finds that the Defendant is not competent to stand trial and order that the Defendant be committed to the custody of the Attorney General for a reasonable period, not to exceed four months, to determine “whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit the proceedings to go forward.” 18 U.S.C. § 4241(d)(1).

IT IS SO ORDERED.

Dated: Rochester, New York
September 14, 2012

ENTER:

/s/ Charles J. Siragusa
CHARLES J. SIRAGUSA
United States District Judge